

## REMARKS

This communication is a full and timely response to the final Office Action dated November 18, 2009. Claims 1 and 3-11 remain pending, where claim 2 was previously canceled without prejudice. By this communication, claims 1, 5-7, 9, and 11 are amended. Support for the amended subject matter can be found, for example, in Figure 2 and at page 6, line 25 through page 7, line 8 of Applicants' disclosure.

On page 3 of the Office Action, claims 1, 5, and 8-10 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Bellac* (U.S. Patent No. 5,384,489). Applicants respectfully traverse this rejection.

Independent claim 1 is amended to recite the following:

A system for providing thermal energy to a thermodynamic machine for generating electrical power, comprising,

- a heat storage device for storing a thermal energy medium in an insulated storage area;
- a first heat transfer means for transferring thermal energy from the thermal energy medium in the insulated storage area of the heat storage device to the thermodynamic machine for generating electricity,
- first heat generating means for heating the thermal energy medium using electrical energy supplied to the heat storage device, wherein said first heat generating means is contained within the insulated storage area of the heat storage device.

*Bellac* fails to disclose or suggest the combination of features recited in claim 1. Namely, *Bellac* discloses a system in which a storage device 16 includes a heater 34, an insulated tank 44, and a vaporizer chamber 54. The heater receives electricity from a wind energy collector 12 and uses the electricity to heat water stored in the heater vessel 43. The heated water is transferred to and stored in the insulated tank 44. The heated water is pumped from the tank 44 to the vaporizer

chamber 54. The heated water is used to generate steam in the vaporizer chamber 54, which is transferred to a turbine 18.

*Bellac*, however, fails to disclose or suggest that the heater 34 is contained within the insulated tank 44. Stated differently, the applied reference fails to disclose or suggest at least that first heat generating means is contained within an insulated storage area of the heat storage device, as recited in claim 1.

Independent claim 9 recites, among other features, a system having a heat storage device that includes an insulated storage area and first heat generating means in the insulated storage area. For at least this reason, claim 9 is distinguishable over *Bellac* for the reasons discussed above with respect to claim 1.

As set forth in MPEP § 2131, to anticipate a claim, the reference must teach every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "[U]nless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102." *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008) (emphasis added).

Because *Bellac* fails to disclose every element recited in claims 1 and 9, these claims and their corresponding depending claims are not anticipated by the same as alleged. Therefore, withdrawal of this rejection is respectfully requested.

On page 3 of the Office Action, claims 1, and 3-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Bronicki* (U.S. 4,942,736) in view of *Bellac*. Applicants respectfully traverse this rejection.

The Examiner alleges that *Bronicki* discloses every element recited in Applicants' claims except that heat generating means is contained within the heat storage device. *Bellac* is relied upon in an effort to remedy this deficiency.

Each of independent claim 1 and 9 are amended to recite that said first heat generating means is contained within the insulated storage area of the heat storage device (claim 1), and a system having a heat storage device that includes an insulated storage area and first heat generating means in the insulated storage area (claim 9). *Bellac* fails to disclose or suggest these features.

In contrast, *Bellac* discloses that a heater receives electricity from a wind energy collector 12 and uses the electricity to heat water stored in the heater vessel 43. The heated water is transferred to an insulated tank 44 for storage. *Bellac* fails to disclose that the heater is contained within an insulated storage area, as recited in the claims. For at least this reason, *Bellac* fails to remedy the deficiencies of *Bronicki* with respect to Applicants' claimed embodiments.

In summary, *Bronicki* and *Bellac* when applied individually or collectively as alleged, fail to disclose or suggest every feature and/or the combination of features recited in Applicants' claims. Therefore, withdrawal of the rejection to claims 1 and 9 and their corresponding depending claims is respectfully requested. Withdrawal of this rejection, therefore, is respectfully requested.

On page 4 of the Office Action, claims 1, and 3-10 are rejected as allegedly being unpatentable under 35 U.S.C. §103 over Applicants' Admitted Prior Art (AAPA) in view of *Bronicki* and further in view of *Bellac*. Applicants respectfully traverse this rejection.

The combination of *AAPA*, *Bronicki*, and *Bellac* fails to disclose or suggest every feature recited in claims 1 and 9 as alleged.

In the preceding discussion, Applicants have established that *Bronicki* and *Bellac* when applied singly or in combination do not disclose or suggest at least said first heat generating means is contained within the insulated storage area of the heat storage device, as recited in claim 1, and a system having a heat storage device that includes an insulated storage area and first heat generating means in the insulated storage area, as recited in claim 9.

*AAPA* fails to disclose or suggest a device or system in which heat generating means contained within an insulated storage area. Thus, *AAPA* when viewed in combination with *Bronicki* and *Bellac* fails to disclose or suggest the combination of features recited in claims 1 and 9. Accordingly, withdrawal of this rejection is respectfully requested.

### **Conclusion**

Based on the foregoing amendments and remarks, Applicants respectfully submit that claims 1 and 3-11 are allowable and this application is in condition for allowance. In the event any unresolved issues remain, the Examiner is invited to contact Applicants' representative identified below.

Respectfully submitted,

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